

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOHN LITTLE,)	No. C08-0146RSL-JPD
)	
Plaintiff,)	
v.)	ORDER
)	
NIKKI BEHNER, <i>et al.</i> ,)	
)	
Defendants.)	

On March 18, 2008, plaintiff filed a request that the Honorable James P. Donohue, United States Magistrate Judge, recuse himself from these proceedings. Dkt. # 14. Pursuant to Local General Rule 8(c), Judge Donohue reviewed plaintiff's motion, declined to recuse himself voluntarily, and referred the matter to the undersigned. Dkt. # 15. Defendant's motion is therefore ripe for review by this Court.

Section 455 of title 28 of the United States Code governs the disqualification of a district judge. It states in relevant part: "Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned." Additionally, 28 U.S.C. § 144, pertaining to judicial bias or prejudice, provides:

Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding. The affidavit shall state the facts and the reasons for the belief that bias or prejudice exists.

ORDER

1 A judge must recuse himself if a reasonable person would believe that he is unable to be
2 impartial. Yagman v. Republic Insurance, 987 F.2d 622, 626 (9th Cir. 1993).

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4 Having reviewed the record in the above-captioned matter, the Court finds that
5 there is no evidence of bias or prejudice. Plaintiff's bald assertion that Judge Donohue is friends
6 with one of the defendants is unsupported, and Judge Donohue has indicated that he does not
7 know defendant Thompson. Because Judge Donohue's impartiality cannot reasonably be
8 questioned, plaintiff's request to remove him from this matter is DENIED.

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10 Dated this 24th day of March, 2008.

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14 Robert S. Lasnik
15 Chief Judge, United States District Court
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